

ATTENTION!
Districts in Need of Improvement
Preliminary Designation for 2005-2006

August 30, 2005

To: Chief School Administrators

From: Isaac Bryant, Assistant Commissioner
Division of Student Services

Subject: Districts in Need of Improvement – Years 1 and 2

The federal *No Child Left Behind Act* (NCLB) has mandated extensive education requirements as part of a single accountability system that measures schools and districts for academic achievement and identifies underperforming schools and districts for improvement status. Schools and districts identified for improvement that receive Title I funds must comply with a complex set of sanctions defined by the United States Department of Education (USDE). The New Jersey Department of Education (NJDOE) is required to follow the NCLB regulations and identify *districts in need of improvement* (DINI). This designation is based on the adequate yearly progress (AYP) calculations previously determined for your schools and announced in our notification to districts on July 29, 2005. (The 2005 AYP preliminary results for your schools are posted on the NJDOE Web site at www.nj.gov/njded/title1/accountability.) A preliminary review of districtwide AYP calculations indicates that your district is designated a “district in need of improvement.”

A district is identified for improvement if it meets the following NCLB criterion:

Does not make AYP in all grade spans within the district—elementary, middle school, and high school—for two consecutive years in either the language arts literacy or mathematics content area. (2003-2004 and 2004-2005)

To allow your district time to study the AYP data, notify staff and parents of the designation, and prepare your response to the press in case of inquiries, the NJDOE will release the list of districts in need of improvement to the press on or about **September 30, 2005**.

Validity and Reliability

To ensure valid and reliable data were used for the district in need of improvement calculations, the NJDOE originally used a total of three criteria. In addition to the federal criterion listed above, the following additional criteria were applied:

1. Fifty percent or more of the schools within the district did not make AYP (50% rule).
2. Less than 90 percent of the AYP indicators are met in any school in the district (90% rule).

The set of three criteria were applied to districts for the 2004-2005 school year and 28 districts in need of improvement were announced. Unfortunately, the USDE has declared New Jersey's use of these three criteria unacceptable. The USDE is requiring the NJDOE to calculate districts' improvement status for 2005-2006 using the first criterion (grade span) only and publicly identify these districts. This adds 35 districts to the list for 2005-2006.

The NJDOE strongly objects to the use of only a single criterion and believes the results are less valid and reliable. We believe it unduly penalizes districts such as high schools, charter schools, and technical-vocational schools with only one grade span. On or about September 30, 2005, the NJDOE will publicly announce the list of districts in need of improvement, using the first criterion. This will be the official list.

The NJDOE will also create the following two subsets of this list, identifying districts that met one or both of the two additional criteria:

- Districts that met the first criterion (grade span) and one of the other two criteria (50% rule or 90% rule).
- Districts that have met all three criteria (grade span, 50% rule, and 90% rule).

The list will also designate which districts are in the first year of improvement (Year 1), having missed grade span AYP for one year, and districts in the second year of improvement (Year 2), having missed grade span AYP for two consecutive years.

Attached you will find your district profile, which provides information on all three criteria. We are providing this level of detail to help you identify, more specifically, areas of deficiency, so resources can be targeted for improvement initiatives. (See attachment for explanation of the profile and the three criteria.)

Districts have the opportunity to come out of improvement status by meeting the district criterion for two consecutive years. When a district meets the criterion for one year, it moves into improvement "hold" status. However, if a district does *not* meet district criterion for three consecutive years, it moves into "corrective action" status with additional sanctions (see addendum).

What MUST Districts Do

Title I districts identified as in need of improvement must meet additional requirements as outlined in the attached addendum. Please refer to this addendum for guidance on the district improvement plan, parental notification, and technical assistance required in the NCLB regulations. You may also need to revise your NCLB Consolidated Application.

What CAN Districts Do

Districts identified as in need of improvement may choose to do one or more of the options outlined below:

- If a district believes that either the data or the calculation of district improvement status is incorrect, the district should file an appeal within 30 days. Prior to filing an appeal, you should take the following steps:
 - Consult with your test coordinator to ensure the student demographic information is accurate.
 - Review the state assessment results provided by the vendor and apply the NCLB conditions to those results. (See *Understanding Accountability* at www.nj.gov/njded/title1/accountability.)
- A district can examine the data to analyze the functioning of the central office and each of the schools using a comprehensive needs assessment and the Collaborative Assessment and Planning for Achievement (CAPA) Report recommendations for those schools that received a CAPA review.
- Districts should earnestly develop/update and implement the district's improvement plan, including revising curriculum and teaching strategies, examining policies and procedures and reallocating resources.
- To seek help from highly skilled experts, a district might hire outside professionals to bring a fresh approach to solving the problems.
- If the number of students with disabilities who take the Alternative Performance Assessment (APA) exceeds 1 percent, a district can apply for an exception to this APA allowance by contacting the NJDOE Office of Special Education at (609) 292-0147.
- Attend the scheduled technical assistance sessions provided by the NJDOE (see addendum for details).
- A district may decide to “opt out” of Title I, that is, refuse to accept Title I funds for its schools and district. This is, however, an extreme remedy, as some districts receive substantial Title I allocations. This would not change the fact that there are academic deficiencies within the district that must be addressed (see NJDOE policy letter at www.nj.gov/njded/grants/nclb/guidance/refusal.pdf).
- Share your opinions and recommendations about NCLB, the law and its implementation, with the NJDOE and your US congressional delegation. (NCLB is slated for reauthorization in 2007.)

The provisions of NCLB are intricate and complex. We appreciate your continued dedication to meeting the requirements of this federal legislation. If you need any additional information about NCLB or Title I, or assistance in complying with the provisions in this letter, please contact the Office of Title I Program Planning and Accountability at (609) 943-4283.

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Attachments

c: William L. Librera
NJ Congressional Delegation
Richard Rosenberg
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Senior Staff
Annette Castiglione
Anne Corwell
Jessica DeKoninck
Kathryn Forsyth
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Addendum

Additional Information for Districts in Need of Improvement

District Requirements for Years 1 and 2

Districts in need of improvement that receive Title I funds must comply with the following requirements and deadlines.

- Revise the district's 2006 NCLB Consolidated Application, as appropriate.
- Develop a district improvement plan. (Year 2 districts must review their improvement plan and update it as appropriate.) The NCLB Parallel Application's "Title I District Improvement Plan Report" provides a list of the essential elements that must be included in the plan. This is available at the following Web address: <http://www.nj.gov/njded/grants/entitlement/nclb/nclbparallelpaperappforms.doc>. Submit the revised pages to your NJDOE county office/Abbott office by **November 30, 2005**. The improvement plan must be implemented as soon as possible after it is submitted and approved during the 2005-2006 school year.
- Revise the Eligibility Page of the EWEG on-line application. Districts in need of improvement have an additional "reserve" requirement. Not less than 10 percent of the district's Title I, Part A allocation must be reserved for high-quality professional development for instructional staff specifically designed to improve classroom teaching. These funds may not be used for the regular Title I program; funds must be used for professional development. If carried over, this reserve must continue to be designated for professional development purposes. **Note:** (1) The district may include in this 10 percent reserve the Title I, Part A funds required to be reserved for eligible Title I schools in need of improvement within the district. (Each served school in need of improvement is required to set aside 10 percent of its Title I school allocation for professional development.) (2) The five percent reserve for LEA professional development for "highly qualified" teachers may *not* be used to satisfy this reserve.

The additional professional development reserve will change the district's per-pupil expenditure. The revised per-pupil amount must be calculated for all served school attendance areas and be applied to both public and private school eligible students.

The revisions to the Title I Eligibility page must be submitted electronically through the EWEG system by **November 30, 2005**. For more information on school and district improvement, please refer to the United States Department of Education's *LEA and School Improvement, Non-Regulatory Guidance*, January 7, 2004, at www.ed.gov/policy/elsec/guid/schoolimprovementguid.doc.

- Revise the NCLB Program Plan and Budget pages. The designation of a district in need of improvement and the addition of the required district professional development reserve will necessitate changes to the programs and activities submitted with the NCLB application. These pages must be revised and submitted accordingly.
- Notify all parents of students enrolled in the school district that their school district is in need of improvement by **September 30, 2005**. This notification, in the parents' native language, must explain the reasons for the identification, how parents can participate in improvement, and what corrective actions will be taken. A sample letter is provided on the Title I Web site at www.ed.gov/njded/title1. Districts that submit an appeal may extend the parental notification deadline until October 28, 2005. The NJDOE will issue a press release on or about **September 30, 2005**, identifying which districts have been designated for improvement. This announcement will meet the state's responsibility for broadly disseminating the list of districts to parents and the public.
- Continue to provide technical assistance to Title I schools identified as schools in need of improvement, corrective action schools, and/or schools planning for restructuring.
- Please note that districts identified for improvement may not be providers of Supplemental Educational Services (SES); however, *high-performing schools within the district* that have been approved as SES providers may continue to provide these services.

Status Profile and Appeal Process

Please review the attached profile on which the NJDOE has determined the district's improvement status. If you believe the district's improvement designation is in error for statistical or other substantive reasons, the district may appeal the designation by submitting the attached appeal form by **September 30, 2005**. (The 2005 Preliminary Appeal form is also available at www.nj.gov/njded/title1/accountability. Along with the form, include the following documentation:

- A detailed explanation of why you believe the data are in error.
- Corrected data with the source.

Please note that state assessment results provided by the vendors are used as a baseline to determine the AYP results. AYP conditions are applied to these data. Assessment data alone do not determine AYP.

Appeals decisions will be made by the NJDOE by **October 20, 2005**. After the appeals process is complete, the NJDOE will make any adjustments resulting from granted appeals and finalize the districts in need of improvement list.

Specific details about the New Jersey Single Accountability System are available on the NJDOE Web site under Title I Accountability in the following documents:

- *New Jersey Accountability Workbook*
- *Understanding Accountability in New Jersey*

Districts in Year 3 – Corrective Action

Districts that are determined to be in need of improvement for three consecutive years are identified for corrective action by the state. Year 3 district AYP determinations will be made for the 2006-2007 school year in the summer of 2006.

Under NCLB, the state must apply certain sanctions for districts in corrective action. These include 1) continuing to provide technical assistance and 2) applying one of the following corrective actions, as consistent with state law:

- Defer programmatic funds or reduce administrative funds.
- Institute and fully implement a new curriculum based on state and local content and academic achievement standards that includes appropriate, scientifically research-based professional development for all relevant staff.
- Replace LEA personnel who are relevant to the inability of the LEA to make adequate progress.
- Remove individual schools from the jurisdiction of the LEA and arrange for their public governance and supervision.
- Appoint a receiver or trustee to administer the affairs of the LEA in place of the superintendent and school board.
- Abolish or restructure the LEA.

In conjunction with at least one of the actions on this list, the SEA may also authorize parents to transfer their child from a school operated by the LEA to a higher-performing public school operated by another LEA that is not identified for improvement or corrective action. If it offers this option, the SEA must also provide transportation or provide for the cost of transportation to the other school. §1116(c)(10)(C)

Technical Assistance and Timelines

To provide additional information about the requirements of districts in need of improvement, the Office of Title I Program Planning and Accountability is holding a Technical Assistance Session in September (information attached).

In summary, the following are the timelines:

September 13, 2005	Technical Assistance Session – Learning Resource Center – North Satellite (Morris Plains)
September 16, 2005	Technical Assistance Session – Gloucester County Office (Sewell)
September 30, 2005	Appeals Due
September 30, 2005	Release of Districts in Need of Improvement List to Public
September 30, 2005	Notification to Parents by Districts
October 20, 2005	NJDOE Appeals Decisions
November 30, 2005	Revision of NCLB Consolidated Application (Parallel and EWEG)
November 30, 2005	Submission of District Improvement Plan

